

Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BAILEY ROTH,

Plaintiff,

v.

DEGUSSA CORPORATION, BASF
CORPORATION, and ZYGROVE
CORPORATION, a Minnesota corporation,

Defendants.

NO. CV-07-00106-MJP

ORDER GRANTING
PLAINTIFF'S MOTION TO
COMPEL DISCOVERY
RESPONSES FROM
DEFENDANTS BASF
CORPORATION AND
ZYGROVE CORPORATION

THIS MATTER having come before the court on Plaintiff's Motion to Compel Discovery Responses from Defendants BASF Corporation and Zygrove Corporation, and the Court having considered the Motion, Declaration of Doug Weinmaster with Exhibits 1-5, Defendants' Response, and Plaintiff's Reply, together with the files and records herein, NOW, THEREFORE, the Court rules on Plaintiff's motion **as follows:**

REQUEST NO. 18: Please produce copies of all the documents related to the purchase of Degussa Construction Chemicals, Inc. by BASF on June 3, 2006.

A. BASF Corporation:

1. BASF Corporation objects on the grounds that the specific terms of the purchase are neither relevant nor reasonably calculated to lead to the discovery of relevant or otherwise admissible evidence.

ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE TO
AMEND COMPLAINT - CV-07-00106-MJP - 1

PEREY LAW GROUP
1606 8TH AVE NORTH
SEATTLE, WA 98109
TELEPHONE (206)443-7600
FACSIMILE (206)443-4785

1 **ORDERED:** GRANTED. Plaintiff is entitled to review these documents.

2

3 **INTERROGATORY NO. 14:** Please state the name address and telephone number of
4 the person or persons who have the most knowledge about the history and names and dates of the
5 entities and successor entities which owned, manufactured and distributed Z-BRICK from 1955
6 to date.

7 **ANSWER:** Object on the grounds that the interrogatory calls for information developed
8 by these defendants' attorneys and, thus, subject to the attorney work product privilege. Other
9 than the information developed by their attorneys, or testified to by Al Mosloski and Richard
10 Tibke these defendants have no further information.

11 **ORDERED:** DENIED. Defendants appear to have no further information concerning this
12 request.

13 **INTERROGATORY NO. 15:** Please identify the names and addresses of all entities
14 which manufactured and sold Z-BRICK from 1955 to date, including the inclusive dates that
15 entity owned or possessed the right to manufacture and sell Z-BRICK products.

16 **ANSWER:** To the extent that there is information available to either defendant other
17 than as testified to by Richard Tibke and Al Mosloski, the defendants have no information other
18 than that which is protected by the attorney work product privilege.

19 **ORDERED:** DENIED. Defendants appear to have no further information concerning this
20 request.

21

22

23
24
25 //
26

ORDERED: Defendants are ordered to produce the privilege log.

DATED THIS 27th day of February, 2008.

MARSHA J. PECHMAN
UNITED STATES DISTRICT JUDGE

PRESENTED BY
PEREY LAW GROUP

/S/

Ron Perey, WSBA # 2275
Doug Weinmaster, WSBA # 28225
dweinmaster@pereylaw.com
Lawyers for Plaintiff Roth